

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TERRI PECHNER-JAMES and SONIA)
FERNANDEZ,)
Plaintiffs,)

v.)

C.A. No. 03-12499-MLW

CITY OF REVERE, THOMAS AMBROSINO,)
MAYOR, CITY OF REVERE POLICE)
DEPARTMENT, TERRENCE REARDON,)
CHIEF OF POLICE, BERNARD FOSTER,)
SALVATORE SANTORO, ROY COLANNINO,)
FREDERICK ROLAND, THOMAS DOHERTY,)
JOHN NELSON, JAMES RUSSO, MICHAEL)
MURPHY and STEVEN FORD,)
Defendants,)

**AFFIDAVIT OF PAUL CAPIZZI IN SUPPORT
OF DEFENDANTS' MOTION FOR SANCTIONS**

I, Paul Capizzi, do hereby depose and state:

1. I am the City Solicitor for the City of Revere and one of the attorneys of record for Defendants, City of Revere and the City of Revere Police Department, in this action.

2. At 3:35 p.m. on the afternoon of April 20, 2006, I received a telephone call from Attorney Dilday, the purpose of which was to present several dates for depositions.

3. I believe this telephone call was in response to Attorney Akerson's prior written communication to arrange dates and times to conduct the court-ordered depositions.

4. Attorney Dilday recommended half-day depositions and that in the interest of time and convenience that they be conducted in Revere rather than in Worcester.

5. He said his schedule prevented him from doing the requisite number of depositions as full days given the court-imposed deadline of June 1.

6. Accordingly, he proposed the following dates and times: May 4, 1:00 pm to 5:00 pm, May 11, 1:00 pm to 5:00 pm, May 16, 1:00 pm to 5:00 pm, May 19, 1:00 to 5:00 pm, and May 30, 10:30 am to 5:00 pm.

7. I took detailed notes of my conversation with Attorney Dilday and this affidavit is based upon those notes and my recollection.

Signed under the pains and penalties of perjury this 5th day of May, 2006.

Respectfully submitted,

/s/ Paul Capizzi
Paul Capizzi

CERTIFICATE OF SERVICE

I, Walter H. Porr, Jr., Assistant City Solicitor and counsel of record for the Defendants, City of Revere and the City of Revere Police Department, hereby certify that I have electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. I caused to be served upon counsel of record, at the address stated below, via the method indicated, a true copy of same:

James S. Dilday, Esq.
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Attorneys for the Plaintiffs
Via CM/ECF e-mail

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Thomas Doherty, John Nelson,
James Russo, Michael Murphy,
and Steven Ford
Via CM/ECF e-mail

/s/ Walter H. Porr, Jr.
Walter H. Porr, Jr.,

Dated: May 5, 2006